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Plaintiff(s), pro se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Trevor Reid,	Case No.
Crystale Reason	CV-22-00068-PHX-SMB
Plaintiffs	
v.	
United States of America, et al	PLAINTIFFS' REPLY IN
Defendants	SUPPORT OF MOTION
	FOR REFERRAL TO
	MEDIATION

Plaintiffs, Trevor Reid and Crystale Reason, reply in support of their Motion for Referral to Mediation (Doc. 30). Defendant, the United States of America (USA), contends mediation efforts would be premature. On the contrary, the time for the USA to engage is long overdue.

Fed. R. Civ. P. 16(a)(1) makes clear that the Court may order pretrial conferences for the purpose of facilitating settlement, while LRCiv 83.10(a)

provides that a matter may be referred for alternative dispute resolution at any time when requested by a party.

The USA in its Response (Doc. 31) anticipates that “topics of a settlement conference and/or mediation will be addressed in the normal course prior to the issuance of a scheduling order...” The normal course for a scheduling order, per Fed. R. Civ. P. 16(b)(2), is “the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.” The USA was served 231 days ago on April 8th, 2022 as indicated by Notice of Service (Doc. 9). The USA appeared as a substituted defendant 168 days ago by filing its Notice of Substitution (Doc. 16) on June 10th, 2022.

Importantly, the rules set a timeframe to begin pretrial matters that may lead to speedy disposition or settlement as well as reduce pretrial waste for all involved. To that end, the timeframe is based on notice to the defendant — not the particular tempo at which the defendant prefers to develop the record and its case.

Defendant USA points out that its responsive pleading was due on November 23rd, 2022. The USA did file its second Partial Motion to Dismiss (Doc. 33) on that exact day, the eve of Thanksgiving. Plaintiffs’ response will now be due 30 days from that filing, just before Christmas.

The next 30 days need not be as unproductive as all those that have passed since Ranger Doyle's intrusion years ago until now.

By that next deadline, 259 days will have passed since the USA was served in this action. Moreover, the government will have had 1,223 days since the presentation of forms SF95 on August 18th, 2019 in which to have investigated and identified precise issues of contention. In that time the government could have discussed with Plaintiffs, informally and inexpensively, exactly why it's believed that this law enforcement invasion of a home late at night, over a suspected petty offense, should be treated as harmless. So far, the government has not.

Defendant USA, in its Response, describes it as a "necessity" that "precise issues to be addressed at a settlement conference or mediation...be shaped and defined through discovery and motion practice." But mediation is also a way to further the development of the record and the shaping of precise issues. Motion practice and discovery are far less efficient ways than mediation to ascertain the parties' common ground and differences, if not settle the case altogether.

In any case, an attempt to resolve the parties' differences via mediation is not mutually exclusive with discovery activities nor with motions by either party.

In light of these prospects and those stated earlier, Plaintiffs pray with all respect that the motion be granted.

Respectfully submitted this 25th day of November, 2022.

s/ Trevor Reid, *plaintiff pro se*

s/ Crystale Reason, *plaintiff pro se*

CERTIFICATE OF SERVICE

I certify that on November 25th, 2022 the foregoing document was provided via CM/ECF or mail to:

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s/Crystale Reason